IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 22ND NOVEMBER, 2006 /1ST AGRAHAYANA, 1928

WP(C).No. 30932 of 2006(G)

(RCP.8/2004 of MUNSIFF COURT, CHANGANACHERRY)
.....

PETITIONER:

SIBY JOSEPH, PUTHENPARAMPIL,
VEROOR P.O., CHETHIPUZHA VILLAGE,
CHANGANACHERRY.

BY ADV. SRI.JOMY GEORGE

RESPONDENT:

JOSEPH KAVALAM, KAVALAM HOUSE,
VAZHAPPALLY EAST, CHANGANACHERRY.

BY ADV. SRI.V.K.BALACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M. RAMACHANDRAN & A.K.BASHEER, JJ.

W.P.(C).NO.30932 OF 2006 G

Dated this the 22nd day of November, 2006

J U D G M E N T

Basheer, J.

This writ petition filed under Article 227 of the Constitution is directed against Ext.P4 order passed by the Rent Control Court rejecting the petitioner's prayer to re-open the evidence and grant him opportunity to cross-examine the witnesses who had been examined on the side of the respondent/landlord. Learned counsel for the respondent has stoutly opposed the prayer made by the petitioner for permission to adduce further evidence. He submits that petitioner has been filing several petitions with a view to protract the proceedings.

2. Having heard learned counsel for the petitioner and learned counsel for the respondent, we are satisfied that in the peculiar facts and circumstances of the case, petitioner has to be afforded opportunity to cross-examine Pws.3 to 7. The court below shall also allow the petitioner to adduce further evidence confining to ground Nos.1 and 2

in Ext.P3 application for review filed before the court below.

3. Petitioner shall get the benefit of this judgment only if he pays an amount of Rs.3000/- (rupees three thousand only) as cost to the respondent within one week from today.

The writ petition is disposed of as above.

M. Ramachandran, Judge

A.K.Basheer, Judge

Mbs/

M. RAMACHANDRAN &
A.K.BASHEER, JJ

W.P.(FC).NO. OF 200

J U D G M E N T

DATED: -11-2006